

STATE OF MICHIGAN
COURT OF APPEALS

In re N. T. D. COPPINS, Minor.

UNPUBLISHED

August 20, 2020

No. 351808

Wayne Circuit Court

Family Division

LC No. 19-000089-NA

Before: GLEICHER, P.J., and STEPHENS and CAMERON, JJ.

PER CURIAM.

The circuit court terminated respondent-father’s parental rights to his young son, NC, after he pleaded no contest to statutory grounds supporting termination, specifically that respondent had sexually abused his eldest child. Respondent now contends that termination of his parental rights was against NC’s best interests. We affirm.

I. BACKGROUND

Respondent-father has three children: daughter KH (born in 2006) with K. Hyche, son GR (born in 2010) with S. Thomas, and son NC (born in 2015) with L. Coppins. On October 5, 2018, KH reported to a teacher that respondent had been sexually abusing her for approximately one year while she visited his home on weekends. Child Protective Services investigated and substantiated her claims, and the Department of Health and Human Services initiated these child protective proceedings. All three children remain with their mothers, none of whom are respondents in this case.

Respondent eventually pleaded nolo contendere to criminal charges arising from the sexual abuse of KH. In the meantime, he pleaded no contest to allegations allowing the court to take jurisdiction over his children and to statutory grounds supporting termination of his parental rights. Respondent indicated that he would not challenge the court’s termination of his parental rights to KH, given the serious allegations she levied against him, or to GR, because he did not have a close parent-child bond with his son. However, respondent asserted that it would not be in the best interests of NC to terminate his parental rights as respondent had lived with NC since his birth and the two shared a strong bond.

In June 2019, the DHHS and the court agreed to allow respondent supervised parenting time with NC so that the parent-child relationship could be assessed. Weekly visits began in August, but respondent attended only two. Coppins failed to bring NC for the remaining visits, but respondent also did not appear and did not contact the case worker to try to enforce the visits.

On August 12, 2019, the parties participated in an evaluation at the Clinic for Child Study. The examiner noted that four prior reports had been made to CPS regarding respondent relating to medical and physical neglect and physical abuse, although CPS had not substantiated those complaints. The examiner further noted that respondent claimed he suffered injuries as a result of an automobile accident and took oxycodone and medical marijuana to control his pain. The examiner observed several inconsistencies in respondent's description of his medical condition, however. Respondent also told the examiner that he wanted to rekindle his romance with and marry Coppins once the proceedings were over.

GR's mother, Thomas, submitted to an interview during the study. She asserted that respondent had an affair with Coppins, who was then a minor, while respondent and Thomas were together. Indeed, Coppins was only 19 years old when she gave birth to NC. Thomas accused respondent of sexually abusing his younger sister and claimed that respondent's mother confirmed the abuse. After Thomas and respondent broke up, respondent had little contact with GR, provided no child support, and had been completely absent since 2017.

The court conducted a best-interest hearing on October 2, 2019, and terminated respondent's parental rights to all three of children. He appeals the termination as to NC only.

II. BEST INTERESTS

"Once a statutory ground for termination has been proven, the trial court must find that termination is in the child's best interests before it can terminate parental rights." *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012), citing MCL 712A.19b(5). "[W]hether termination of parental rights is in the best interests of the child must be proven by a preponderance of the evidence." *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). The court should weigh all the evidence available to it in determining the child's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). We review the court's factual findings in this regard for clear error. *In re Brown/Kindle/Muhammad Minors*, 305 Mich App 623, 637; 853 NW2d 459 (2014).

"In deciding whether termination is in the child's best interests, the court may consider the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *Olive/Metts*, 297 Mich App at 41-42 (quotation marks and citations omitted). "The trial court may also consider a parent's history of domestic violence, the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption." *In re White*, 303 Mich App 701, 714; 846 NW2d 61 (2014). Placement with relatives generally, but not necessarily, weighs against termination. *Olive/Metts*, 297 Mich App at 43. Ultimately, "the focus at the best-interest stage [is] on the child, not the parent." *Moss*, 301 Mich App at 87.

The circuit court did not err in finding that termination of respondent's parental rights was in NC's best interests. Respondent contends that he shared a strong bond with NC. The parent-child bond is only one factor relevant to a child's best interests. Moreover, respondent's failure to appear for his supervised parenting-time sessions, or to seek agency assistance in securing NC's attendance, precluded the DHHS from assessing the bond and prevented the court from giving this factor greater weight.

By failing to attend his parenting-time sessions, respondent also failed to demonstrate his ability to parent, let alone to parent safely. Instead, the evidence before the court painted a picture of an abusive father who abandoned his children. Respondent pleaded no contest to allegations that he sexually abused his 11-year-old daughter over a one-year period. He had little to no contact with GR since 2013, and had been completely absent from GR's life since 2017. Although respondent presented the testimony of his sister to describe his parenting style while he lived with NC, respondent's actions exhibited a laissez faire attitude. Ultimately, respondent was willing to sever his ties with KH and GR, and when push came to shove, respondent failed to take the minimal steps requested to continue his relationship with NC.

Contrary to respondent's contention, NC's placement with Coppins did not preclude termination of respondent's parental rights. Under MCL 712A.19a(8)(a), the placement of a child with relatives weighs against termination of a parent's parental rights. See also *Olive/Metts*, 297 Mich App at 43. However, a parent is not a "relative" as defined by MCL 712A.13a(1)(j). In any event, termination can still serve a child's best interests even when the child is placed with the other parent or with a relative. Given respondent's abuse of KH, abandonment of GR, and failure to follow through with visitation with NC, respondent failed to demonstrate his ability to safely parent NC. The court's decision to terminate his rights was not clearly erroneous.

Respondent also cursorily argues that the DHHS should have provided reunification services to him. Because respondent sexually abused NC's half-sister, the DHHS sought termination of respondent's parental rights in the initial petition. The DHHS "is not required to provide reunification services when termination of parental rights is the agency's goal." *In re HRC*, 286 Mich App 444, 463; 781 NW2d 105 (2009).

We affirm.

/s/ Elizabeth L. Gleicher
/s/ Cynthia Diane Stephens
/s/ Thomas C. Cameron